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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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WILLIE J. ROBERTS,

Plaintiff,

vs.

TOM VILSACK, SECRETARY,
UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendant.

Case No.: 09cv1911-BEN (WMc)

SPECIAL VERDICT

CTRM: 3
JUDGE: Honorable Roger T. Benitez

TRIAL DATE: April 10, 2012

We, the jury in the above-entitled action, find the following special verdict on the questions submitted to us:

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Question 1

Has Plaintiff proved by a preponderance of the evidence that Plaintiff's race was a substantial or motivating factor behind the following decisions by Defendant:

- (a) Issuance of Letter of Caution Yes _____ No

(b) Issuance of Letter of Reprimand Yes _____ No

(c) Two week Suspension Yes _____ No

(d) Delayed Promotion Yes _____ No

If you answered “no” to all of the decisions listed in Question 1, skip the remaining questions and sign and return this verdict. If you answered “yes” to any of the decisions listed in Question 1, proceed to Question 2.

Question 2

13 As to those decisions listed in Question 1 to which you answered “yes,” has the Defendant
14 proved by a preponderance of the evidence that those same decisions were also motivated by a lawful
15 reason and that Defendant would have made those same decisions even absent Plaintiff’s race?

- (a) Issuance of Letter of Caution Yes _____ No _____ N/A _____

(b) Issuance of Letter of Reprimand Yes _____ No _____ N/A _____

(c) Two week Suspension Yes _____ No _____ N/A _____

(d) Delayed Promotion Yes _____ No _____ N/A _____

If you answered “yes” and/or “N/A” to all of the decisions listed in Question 2, skip the remaining questions and sign and return this verdict. If you answered “no” to any of the decisions listed in Question 2, proceed to Question 3.

Question 3

With regard to any decisions to which you answered "no" in Question 2, has Plaintiff proved by a preponderance of the evidence that those decisions caused Plaintiff emotional distress?

Yes _____ No _____

If you answered "no," sign and return this verdict. If you answered "yes," answer Question 4.

Question 4

What do you find to be the total amount of past emotional distress damages suffered by Plaintiff?

Amount: \$ _____

You are now finished with this Special Verdict form. The jury foreperson should date and sign this form, and return it to the Court. The Court will then instruct you as to the need for further deliberations.

Dated: April 13, 2012

Katherine S Currier
JURY FOREPERSON'S SIGNATURE

JURY FOREPERSON'S SIGNATURE